

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.

Rulemaking 00-10-002
(Filed October 5, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING ON A PERMANENT BASIS MOTIONS FOR
(1) EXTENSIONS OF CERTAIN PROTECTIVE ORDERS AND
(2) PROTECTIVE ORDERS REGARDING 2005 ELECTRICAL
EMERGENCY PLANS**

1. Summary

The motions of Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas and Electric Company (SDG&E) to extend existing, and grant new, protective orders regarding portions of their 2003 and 2005 electrical emergency plans (EEPs)¹ are granted as provided herein.

¹ EEP here means the following and associated documents: (1) PG&E's Electrical Emergency Plan; (2) SCE's Electric Emergency Action Plan, plus list of names and addresses of water and wastewater essential customers filed as Exhibit C to SCE's verification of notice of the Category H exemption on June 2, 2002; and (3) SDG&E's

Footnote continued on next page

2. Background

In the last few years, several motions have been made and granted to protect portions of each utility's EEP. This protection has generally been granted for two years. Utilities now file the following five motions:

A. Motions for Extensions of Existing Protective Orders

1. On May 31, 2005, SCE moved to extend the protective order regarding its 2003 Emergency Action Plan. SCE seeks protection for a minimum of two years, at least until the end of June 2007.
2. On June 2, 2005, PG&E moved to extend the protective order regarding its 2003 Electrical Emergency Plan. PG&E seeks protection for a minimum of two years, at least until the end of June 2007.

B. Motions for Protection Regarding Newly Filed Material

1. On June 1, 2005, SDG&E moved for a protective order for its 2005 Electric Emergency Load Curtailment Plan. SDG&E seeks protection for two years.
2. On June 30, 2005, PG&E moved to file confidential material in its 2005 Electrical Emergency Plan under seal. PG&E seeks protection for two years.
3. On June 30, 2005, SCE moved for a protective order regarding its 2005 Electric Emergency Action Plan. SCE seeks protection for ten years.

Each utility filed both a redacted and unredacted version of its 2005 EEP, as well as filing and service of a Notice of Availability. No response to any of the five pending motions has been filed.

Electric Emergency Load Curtailment Plan, including its Emergency Manual Load Shedding and Under-frequency Load Drop Schedule.

3. Discussion

The same reasons that justified sealing portions of prior EEPs now justify extension of existing protective orders. Those same reasons also justify protective orders for the 2005 EEPs.

3.1 Justification

Each utility's EEP contains sensitive employee and customer information used during an emergency. The information includes employee names, home telephone numbers, and work telephone numbers. It also includes the identities, locations and account numbers of essential customers (*e.g.*, government agencies essential to the national defense, transmission level customers, police and fire stations with their associated communication facilities). As SCE points out, these are customers the Commission has determined are essential to public health, safety and security. Moreover, the Commission has previously ruled, according to SCE, that specific customer information should not be publicly disclosed without prior consent of the affected customer.

Further, each EEP contains information on the locations and identities of circuits within each rotating outage block and sub-block that, if disclosed, could create security issues. The EEPs contain information about curtailment plans traditionally kept confidential in order to protect the integrity and security of system operations, and to minimize the potential for interference with normal operations. Maintaining the confidentiality of this information is necessary to prevent harm to each utility, its employees and its customers.

Thus, PG&E, SCE and SDG&E persuasively argue that disclosure of information for which protection is sought would reveal confidential employee and customer information, and create serious security issues. Among other risks,

it could make customers and electric systems vulnerable to sabotage or terrorism. The motions should be granted to protect public health, safety, security and welfare.

3.2 Duration

PG&E seeks protection for a minimum of two years regarding the extension, and two years regarding its 2005 EEP. SCE seeks protection for a minimum of two years regarding the extension, and ten years for the 2005 EEP. SDG&E seeks protection for two years regarding its 2005 EEP. These requests are generally consistent with the Commission's practice of sealing most information for a period of only two years.

The Commission seeks to do as much of its business in the open as possible. Sealed information is typically expected to lose its sensitive nature over time. This is particularly true for economic data. A two-year renewal permits utilities, parties and the Commission to reassess the sensitivity of the data, and is generally reasonable.

In this case, however, the sealed information includes items critical to the health and safety of the companies, their employees and the public. The information is unlikely to lose its critical importance. Changes in the data occur infrequently, if at all. The information will continue to comprise a reasonably accurate list of sensitive information into the foreseeable future. Permanent seal will avoid the risk of inadvertent disclosure, or a gap in its confidential treatment. A party may move for an order of the Commission, Assigned Commissioner, Assigned Administrative Law Judge (ALJ), or the Law and Motion Judge to lift the seal on part or all of this information should that be

warranted (e.g., data becomes stale; circumstances change; the public's right to know outweighs health, safety and security concerns).²

IT IS RULED that:

1. The five motions identified in the body of this Ruling are granted as provided herein. The sealed information shall not be made accessible or disclosed to anyone other than Commission staff, except on the further order or ruling of the Commission, Assigned Commissioner, Assigned Administrative Law Judge (ALJ), or the then designated Law and Motion Judge.

2. If a party, person or customer seeks access to any information sealed herein for use in this or another Commission proceeding, or for any other reasonable purpose, and can establish that access to such information is necessary to its participation in such proceeding or other reasonable purpose, the utility shall negotiate a reasonable nondisclosure and confidentiality agreement with that party, person or customer. In the event of a dispute, the utility shall contact the ALJ assigned to the proceeding, or the Law and Motion Judge, for resolution of the dispute, and/or file a motion as appropriate.

Dated August 9, 2005, at San Francisco, California.

² This treatment is similar to that given regarding certain information filed by the Energy Producers and Users Coalition in this proceeding. (Ruling dated October 21, 2004.)

/s/ BURTON W. MATTSON

Burton W. Mattson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties for whom an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting on a Permanent Basis Motions for (1) Extensions of Certain Protective Orders and (2) Protective Orders Regarding 2005 Electrical Emergency Plans on all parties of record in this proceeding or their attorneys of record.

Dated August 9, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.